

BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF SCHOOL HOUSE 77 ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS CH. 121A, AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 2:00 P.M. on February 16, 1978, in the offices of the Boston Redevelopment Authority (hereinafter called the "Authority"), at the New City Hall, Room 921, Boston, Massachusetts 02201, by the Authority on an Application, (hereinafter called the "Application"), filed by School House '77 Corp. (Denis A. Blackett, President) and Cummings Sr. Corp. (John B. Cruz, III, President) as general partners, for authorization and approval of a redevelopment project under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended, (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on February 1, 1978, and February 8, 1978, in the Boston Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for securing approval of Chapter 121A projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended.

Robert L. Farrell, Chairman, and James G. Colbert, James E. Cofield, Jr., James K. Flaherty, and Joseph J. Walsh, members of the Authority, were present throughout the hearing.

B. The Project. The Project involves the acquisition, rehabilitation, construction, operation and maintenance of buildings located on four separate sites in the Roxbury and Mattapan Sections of Boston. The four sites are:

Dillaway School
Kenilworth Street
Roxbury, MA.

Garrison School
20 Hutchings Street
Roxbury, MA.

Berger Instrument Factory
37 Williams Street
Roxbury, MA.

Lowell Mason School
610 Cummins Highway
Mattapan, MA.

The Lowell Mason School will be demolished and 40 units of elderly housing built on the site. The other three locations will have gut-type rehabilitation of existing vacant buildings and conversion to residential units. There will be a total of 126 dwelling units constructed for low and moderate income tenants.

C. Authority Action. In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the hearing, the Exhibits offered in evidence at the hearing, arguments and statements made at the hearing, additional statements submitted subsequent to the hearing, and a memorandum of understanding between the Applicant and the Garrison-Trotter Neighborhood Association.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, rehabilitation, operation and maintenance of decent, sanitary, and safe residential building and appurtenant facilities.

D. Project Area. Substandard and Decadent. Each of the buildings are currently vacant and obsolete. The buildings are out of repair, physically deteriorated, unfit for human habitation and in need of major maintenance. The areas surrounding the Project Area are predominantly residential and the vacant condition is detrimental to the safety, health, morals, welfare, and sound growth of the community. In addition, rubbish, refuse and debris have been dumped around the buildings. Some of the buildings have been damaged by interior and exterior vandalism and because of their vacant condition it is likely that these destructive conditions will worsen and continue to be blighting influences on the surrounding neighborhoods.

For these reasons it is found that the Project Area is a blighted, substandard and decadent area within the meaning of Chapter 121A as amended. It is unlikely that the conditions will be remedied by the ordinary operations of private or public enterprise.

The Project will provide substantial financial return to the City of Boston. Exhibit E of the Application sets forth an example of the type of Agreement to be entered into between the City of Boston and the Applicants. This Agreement provides in substance that there be paid to the City of Boston in lieu of real estate taxes in each of the 40 calendar years after approval of the Project, an amount over the excise payable under General Laws, Chapter 121A, Section 10. Exhibit E attached only for illustrative purposes and the approval of the Report and Decision does not bind the City or the Applicants to the terms and conditions of Exhibit E.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost of \$5,092,027.00. The Applicants have a commitment for construction financing and FNMA/GNMA permanent financing from the Cincinnati Mortgage Corp. conditioned on a firm commitment from the Federal Housing Administration for insurance of advances under the 221(a)(4) Program. The Project will be assisted by Rent Supplements under Section 8 of the U.S. Housing Act for 100% of the units.

The Application contains a form of Limited Partnership Agreement illustrating, in a general fashion, the organizational framework of the Partnership to be called School House '77 Associates. Experience with similar financing and organizational methods persuades the Authority that the financial program is realistic.

F. Consistency with Master Plan. The Project does not conflict with the Master Plan for the City of Boston.

G. Effect of the Project. The Project will not be in any way detrimental to the best interests of the public or the City or to the public safety or convenience or be inconsistent with the most suitable development of the City. The Project will, in fact, forward the best interests of the City and will constitute a public use and benefit. The structure to be rehabilitated under the Project has been reviewed by the Design Review Staff of the Authority and is subject to further Design Review. The Authority finds that this Project will enhance the general appearance of the Area and furnish attractive and necessary living accommodations.

The carrying out of the Project will not in itself involve the destruction of any existing structures. The building involved in the Project involves no dislocation of any persons from their apartments.

The Project Area does not include land within any location approved by the State Department of Public Works for the extension of the Massachusetts Turnpike into the City of Boston.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as amended by Chapter 781 of the Acts of 1972), and the Regulations thereunder, the Authority has made an environmental examination which contains, among others, the following findings:

1. The Project does not adversely affect any recreational areas or any aesthetic values in the surrounding area.
2. No natural or man-made places are affected by the Project.
3. The Project does not adversely affect archeological or historical structures or features. It is expected that the Project will enhance the historic structures in the Area.
4. The Project does not affect the potential use, extraction, or conservation of a scarce natural resource.
5. The Project Area is urban, and therefore, does not serve as a habitat for wildlife or fish species.
6. Being urban, the Project has no impact on any wilderness areas.
7. The Project will require deviations from the Zoning Code and the Building Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.
8. The Project does not require certification, authorization or issuance of a permit by any local, State or Federal environmental control agency.
9. The Project does not involve the disposal of potentially hazardous materials.
10. The Project does not involve the construction of facilities in a flood plain.
11. The Project, except necessarily during the construction phase, does not result in the generation of a significant amount of noise or dust.

12. The Project does not result in a deleterious effect on the quality of any portion of the State's air or water resources.

13. The Project does not affect an area of important scenic value.

The Project does affect an area with significant architectural attributes but is designed harmoniously with those attributes.

As a result of the investigation and Report of the Authority Staff and of its own knowledge, the Authority hereby determines that the Project will not cause significant environmental damage and that the Secretary of the Authority be instructed to file such with said Executive Office of Environmental Affairs its Report and finding in accordance with the Authority's Rules and Regulations.

I. Minimum Standards. The minimum standards for financing, construction, maintenance, and improvement of the Project as set forth in Exhibit H filed with and attached to the Application, are hereby adopted and imposed as Rules and Regulations (in addition to those hereinafter adopted and imposed) applicable to this Project for the same period as the Project is subject to the provisions of Chapter 121A of the General Laws and Chapter 652 of the Actions of 1960, as amended.

In addition to the minimum standards set forth in Exhibit H, the Authority hereby requires that the Applicants, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and

Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will not require a permit for the erection, maintenance, and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, or as a public or private hospital having more than 25 beds, or as a Church.

The Project does not require a declaration that the buildings contemplated constitute a separate building for the purpose of General Laws, Chapter 138.

J. Zoning and Building Code Deviations. Exhibit C filed with and attached to the Application and a letter dated February 14, 1978, lists the Zoning Deviations requested. For the reasons set forth in the Application and supporting documents, and on the basis of the evidence presented at the hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may be granted without substantially derogating from the intent and purposes of the applicable Laws, Codes, Ordinances and Regulations, respectively.

In summary the Zoning Deviations granted, are as follows:

Lowell Mason School Site

Boston Zoning Code

Section 8-7

Permission to deviate from use item no. 7 forbidding building or groups of buildings for occupancy by three or more families in separate dwelling units in R-.5 district; proposed 40 unit apartment building for elderly citizens.

Section 10-1	Permission to deviate from limitation on accessory use of front and side yard in residential district; proposed parking in "front yard" at side street.
Section 14-1	Permission to deviate from requirements of 2 acres (87,120 square feet) for first 30 units; proposed lot size 35,852 square feet.
Section 14-2	Permission to deviate from requirement of 3000 square feet additional lot size for each additional dwelling unit after first 30 units; proposed no additional lot size for 10 additional dwelling units.
Section 15-1	Permission to deviate from the requirement limiting floor area ratio to 0.5 in an R-.5 district; proposed floor area ratio of 0.95 (approx.)
Section 16-1	Permission to deviate from maximum height limit of 2-1/2 stories, 35 feet; proposed maximum height 3-1/2 stories, 45 feet.
Section 17-1	Permission to deviate from requirement of 1000 square feet of usable open space per dwelling unit in R-5 district; proposed condition of approximately 540 square feet of usable open space per dwelling unit.
Section 20-1	Permission to deviate from rear yard requirement of 40 feet; proposed rear yard to vary between 5 and 20 feet along rear of new wing. (Note rear yards are measured perpendicular to rear lot line.)

William Lloyd Garrison School

The Applicant requests permission to deviate from certain provisions of the Boston Zoning Code at the William Lloyd Garrison School site. The site is in an H-1 District. The Applicant proposes to convert the building to 40 apartment units for persons of low and middle income.

Boston Zoning Code

Section 15-1	Permission to deviate from the requirement limiting floor area ratio to 1.0 in an H-1 district; proposed floor area ratio of 1.2.
Section 10-1	Permission to deviate from limitation on accessory use of front yard of residential district; proposed parking in front yard.

